

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THOMAS N. MCDANIEL, :
 :
Plaintiff, : Case No. 3:10cv00326
 :
vs. : District Judge Timothy S. Black
 : Magistrate Judge Sharon L. Ovington
VICKIE MOSIER, et al., :
 :
Defendants. :

DECISION AND ENTRY

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #4), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that:

1. The Report and Recommendations docketed on December 14, 2010 (Doc. #4) is ADOPTED in full;
2. Plaintiff's Complaint is DISMISSED without prejudice;
3. The Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that for the reasons set forth in the Report and Recommendations, an appeal of this Decision and Entry would not be taken in good faith. Consequently, leave for Plaintiff to appeal in forma pauperis is DENIED; and
4. The case is terminated on the record of this Court.

Date: 1/6/11

Timothy S. Black
Timothy S. Black
United States District Judge